

**MUNICIPAL FLOOD CONTROL GRANT PROGRAM**  
**DEED RESTRICTION REQUIREMENT**

***The grant recipient of a Municipal Flood Control Grant shall record this condition as a permanent deed restriction  
when the property acquisition occurs and  
provide copy of transaction as proof of recording for payment reimbursement request support:***

*(to be attached to the deed/title attached to grant agreement in the "Register of Deeds" office)*

By acceptance of this deed, the grant recipient agrees to manage the property herein described consistent with Section 281.665 of the Wisconsin Statutes and Chapter NR 199 of the Wisconsin Administrative Code, and Grant Agreement #: \_\_\_\_\_ entered into by and between the Wisconsin Department of Natural Resources and Grantee, original grant award dated \_\_\_\_\_.

**Deed restriction requirement from NR 199:** *(reference ch. NR 199.04(7))* Any property acquired through either fee simple title or purchase of an easement in perpetuity shall be maintained as a permanent open-space use. The grant recipient shall record this condition as a permanent deed restriction when the property acquisition occurs.

*(reference ch. NR 199.10(2)(h))* Require that the instrument conveying the property to the recipient identify the interest of the state under ch. NR 199.10(2)(f) and be recorded together with the grant agreement in the office of the register of deeds of each county in which the property is located.

**Interest of the State of Wisconsin:** *(reference ch. NR 199.10(2)(f))* Provide the department access to property on which an easement is acquired with a municipal flood control protection grant, in a reasonable manner upon prior notice to the easement holder and the landowner, to monitor compliance with the grant conditions. The conditions of that access shall be contained in the easement agreed to by the landowner. The department may grant exceptions to this access requirement in extraordinary situations according to the procedure in s. NR 199.11.

**Transfer of deed restriction:** *(reference ch. NR 199.10(2)(g))* The grant recipient may sell or transfer the property to a third party other than a creditor of the grant recipient with the prior written approval of the department. All restrictions imposed by the grant contract and land management plan shall remain with the property and any subsequent owners shall execute a grant agreement assignment which state that they have received and reviewed the grant contract and land management plan and shall abide by their provisions. Department approval of the transfer is not valid until the contract assignment is signed by and recorded in the appropriate register of deeds office.

**Release of requirements:** *(reference ch. NR 199.11 Variances.)* The department may approve in writing a variance from a requirement of this ch. NR 199 upon the written request of a grant recipient if the department determines that a variance is essential to effect necessary grant actions or program objectives and where special circumstances make a variance in the best interest of the program. Before approving a variance, the department shall take into account factors such as good cause and circumstance beyond the control of the grant recipient. The department may not grant variances from statutory requirements.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ month, \_\_\_\_\_ year.

\_\_\_\_\_  
Signature of grant recipient

\_\_\_\_\_  
Typed name of grant recipient

STATE OF WISCONSIN )  
 )ss.  
COUNTY OF )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_ month, \_\_\_\_\_ year.

\_\_\_\_\_  
Notary Public , State of Wisconsin  
My Commission Expires: \_\_\_\_\_